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REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Working paper on combating racism against indigenous peoples submitted by Mrs. Erica-Irene A. Daes, member of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

1. Indigenous peoples are usually vulnerable to deprivation of their lands and natural resources, inter alia because they lack the power to defend themselves. Not only do they lack physical power, but legal standing and access to effective and affordable legal remedies.

2. Racism is often the reason why indigenous territories are targeted for invasion by other groups; racism is also often the reason why indigenous peoples are denied access to effective remedies. In this way, racism leads to a vicious circle of dispossession, inaction on the part of public authorities and further dispossession. Dispossession results in extreme poverty amongst indigenous peoples, which in turn intensifies the racism directed against them. The land problem and the problem of racism must be addressed together; they are the same problem.

3. Paradoxically, racism can be directed against a group because it lacks power, or because it is perceived as being too powerful. When indigenous peoples obtain land restitutions or win significant victories in national courts, it is too often the case that other citizens grow resentful

and become even more hostile to indigenous peoples' just claims. For example, although some of the most extraordinary State measures to restore indigenous land rights have been taken in recent years by Australia and Canada, both countries are experiencing considerable public backlash against indigenous peoples. In Australia, for example, as the Committee on the Elimination of Racial Discrimination has observed in its comments on the country's latest periodic report, the State has responded to the backlash by retreating from previous commitments to the recognition and settlement of indigenous land claims. Once again, we see that land rights and racism cannot be treated separately.

4. The past 10 years of global trade liberalization and rapidly growing investment in developing countries have aggravated the vicious circle of racism and dispossession. To attract foreign investment and trade, many developing countries have opened to extractive industries, such as mining and logging, hitherto isolated parts of their territories which are often the last refuges of indigenous peoples and their cultural diversity. By such means, indigenous peoples are collectively sacrificed in order to increase the income of other citizens. Racism against indigenous peoples makes it relatively easy for national political and business leaders to contemplate such measures and to mobilize wider public support for them. If indigenous communities resist dispossession, racism makes it easier for politicians to justify the use of violence to crush the protesters.

5. Viewed in this light, it is impossible to separate racism and land rights from trade policy. As we move towards freer trade, we create greater incentives for States and their export industries to encroach upon the lands of indigenous peoples and thereby stimulate export growth in sectors such as petroleum, metals, wood products and plantation crops. The link between trade and dispossession will be greatest in countries where racism is the greatest and where national institutions to combat and redress racism are relatively weak.

6. There is a profound irony in this problem. The States which are under the greatest economic pressure to boost their export earnings, and thereby displace indigenous people, tend to be States which themselves have been the worst victims of collective racism on an international scale. Developing countries have repeatedly argued that racist attitudes and beliefs among the most industrialized countries have been responsible for punitive terms of trade, steep debt repayment schedules, and repressive structural adjustment measures. If that is true, and I do not believe that it can be entirely discounted, it follows that racism between countries can result in the intensification of racism within countries, in particular against extremely isolated or marginalized groups such as indigenous peoples.

7. This analysis of the relationships between indigenous peoples' land rights, racism and trade liberalization leads me to three main recommendations.

(a) There can be no "free" or "fair" trade between States, unless States respect and protect the land rights of indigenous peoples. At the present time, States that expropriate indigenous peoples' lands without consent or full compensation, or condone the invasion of indigenous peoples' territories, are reaping an unfair competitive advantage in relation to States that respect indigenous peoples' land rights. They are subsidizing their export industries with indigenous peoples' natural resources. This is potentially a considerable trade distortion, as well as an abuse of indigenous peoples' basic rights and fundamental freedoms, and the World

Conference against Racism should consider effective ways of drawing this problem to the attention of the World Trade Organization and regional intergovernmental trade organizations.

(b) Governments and indigenous peoples that are prepared to address these problems deserve a significantly greater level of financial and technical assistance from operational bodies and specialized agencies of the United Nations system, as well as other relevant international institutions and intergovernmental organizations. The International Labour Organization, the Global Environment Facility and the World Bank have recent successful experience of supporting land demarcation, monitoring and conservation initiatives by Governments as well as by indigenous communities themselves. Such initiatives must be strengthened, coordinated and extended to a much larger number of countries as a matter of the highest urgency and priority. States, intergovernmental organizations and international financial institutions participating in the World Conference against Racism should make concrete commitments to this effect.

(c) The promotion and coordination of international efforts to secure the land rights of indigenous peoples will depend fundamentally, in my view, on the establishment of the United Nations Permanent Forum for Indigenous Issues in accordance with Economic and Social Council resolution 2000/22 of 28 July 2000, as welcomed by the General Assembly in paragraph 6 of its resolution 55/80 of 4 December 2000. It is of the utmost importance, furthermore, that the Permanent Forum have adequate professional staffing and financial resources to carry out its coordination mandate fully and effectively. The Indigenous Peoples Millennium Conference, held in Panama City from 7 to 11 May 2001, called upon the United Nations Secretary-General to ensure that the Permanent Forum has a strong, independent secretariat, with adequate professional staff, including, as far as possible, indigenous persons with relevant expertise. At present, however, the Permanent Forum is limited to "existing resources" for staffing and conferences. This must change. The World Conference against Racism should call upon States to provide the Permanent Forum with adequate financial resources in the next biennium, both through the regular budget and voluntary contributions.